

## Message Text

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PAGE 01 TOKYO 16018 01 OF 03 060530Z  
ACTION EA-12

INFO OCT-01 ISO-00 ACDA-12 CIAE-00 DODE-00 PM-05 H-01  
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
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TO SECSTATE WASHDC 0967  
INFO AMEMBASSY SEOUL  
AMEMBASSY TAIPEI  
AMCONSUL HONG KONG  
USLO PEKING  
COMUSJAPAN YOKOTA AB JA  
CINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 01 OF 03 TOKYO 16018

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS  
TAGS: PINT, MARR, JA  
SUBJECT: JAPAN'S DEFENSE DEBATE: LEGISLATION FOR  
EMERGENCY

REF: (A) TOKYO 13490, (B) TOKYO 13895, (C) TOKYO 15425,  
(D) IR 6 852 0681 78 (DTG 290339Z AUG 78)

1. SUMMARY: RECENT WEEKS HAVE SEEN LARGE AMOUNT OF  
PUBLIC DISCUSSION OF INADEQUACY OF PRESENT SELF DEFENSE  
FORCES (SDF) LAW IN EVENT OF SURPRISE ATTACK OR OTHER  
EMERGENCY, CATALYZED BY DISMISSAL OF COUNTRY'S TOP UN-  
FORMED OFFICER (GEN. KURISU) FOR HIS OUTSPOKEN REMARKS ON  
SUBJECT. JDA SUPPORTERS HOPE TO TAKE ADVANTAGE OF CURRENT  
NATIONAL INTEREST SPARKED BY KURISU CONTROVERSY TO IMPROVE  
STATUTORY BASIS FOR SDF OPERATIONS DURING EMERGENCY, AND  
PM FUKUDA HAS ORDERED JDA TO EXPEDITE STUDY OF SUBJECT  
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BEGUN LAST YEAR UNDER FORMER JDA DIRGEN MIHARA. THAT  
STUDY IS NOW AND IS LIKELY TO REMAIN FOCUS OF DEBATE IN  
MONTHS AHEAD. LEGISLATION FOR EMERGENCY IS LIMITED AND  
REASONABLE GOAL AND GOJ MAY EVENTUALLY SUCCEED IN ATTAIN-  
ING IT, BUT LINGERING ATMOSPHERE OF APPREHENSION OVER  
WHERE SUCH LEGISLATION MAY LEAD COUNTRY WILL PREVENT ITS  
PROPOSERS FROM STRAYING TOO FAR OR TOO FAST FROM THEIR

TRADITIONALLY CAUTIOUS PUBLIC POSITIONS. END SUMMARY.

2. SDF LAW OF 1954 WAS DRAFTED LARGELY BY POLICE OFFICIALS WHO WERE ACUTELY CONSCIOUS OF PUBLIC ANTIPATHY TO CONCEPT OF MILITARY CONTROL OF COUNTRY IN WAKE OF WAR AND OCCUPATION. CONSEQUENTLY, PRINCIPLE OF CIVILIAN CONTROL RUNS DEEPLY THROUGH LAW WITH FAR LESS ATTENTION PAID TO NECESSITY FOR OPERATIONS, PARTICULARLY DURING EMERGENCY. INADEQUACY OF LAW ON LATTER SCORE IS NOT NEW DISCOVERY: "THREE ARROWS" STUDY BY UNIFORMED OFFICERS IN 1963, EARLY CONTINGENCY PLAN TO DEFEND THREE MOST OBVIOUS INVASION ROUTES OF JAPAN, WAS FIRST SUCH TO ACKNOWLEDGE PROBLEM. WHEN EVENTUALLY EXPOSED BY JSP IN 1965, STUDY WAS GENERALLY CONDEMNED BY PUBLIC AS EVIDENCE OF RESURGENT MILITARISM AND, WHILE JDA DID NOT TOTALLY CEASE SUCH STUDIES, IT DID BECOME MORE CAUTIOUS ABOUT PUBLICIZING THEM. AS RESULT, ALTHOUGH ACCORDING TO PRESS LATER (1965) STUDY BY CIVILIAN JDA OFFICIALS FOUND THAT EXISTING LAWS COVERING OPERATION OF SDF IN EMERGENCY NEEDED 85 REVISIONS, 30 IN SDF LAW ALONE, JDA WAS UNWILLING TO AGAIN TEST WATERS OF PUBLIC REACTION AND NOTHING WAS DONE TO SEEK LEGISLATION DURING SUCCEEDING THIRTEEN YEARS.

3. ISSUE HAS BEEN PUSHED BACK INTO SPOTLIGHT BY JULY 25 DISMISSAL OF JDA JOINT STAFF COUNCIL CHAIRMAN HIROOMI KURISU BY JDA DIRGEN SHIN KANEMARU (REFSA,B), WHICH PRESS CONFIDENTIAL

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HAS WIDELY INTERPRETED AS OPENING SALVO OF "DEBATE" ON DEFENSE MEASURES DURING TIME OF EMERGENCY. ACTUALLY, KURISU'S PRIMARY TARGET WAS NARROWER ISSUE OF TIME LAG BETWEEN BEGINNING OF EMERGENCY SUCH AS SURPRISE ATTACK, AND ISSUANCE OF ORDERS BY PRIME MINISTER WITH DIET APPROVAL ENABLING LOCAL FORCES TO GO INTO ACTION. KURISU'S SUGGESTION THAT LOCAL COMMANDERS WOULD HAVE TO TAKE "EXTRA-LEGAL" ACTION IN ABSENCE OF ORDERS WAS SEEN AS CHALLENGE TO PRINCIPLE OF CIVILIAN CONTROL AND KANEMARU MOVED QUICKLY TO SACK HIM. HOWEVER, PUBLIC APPEARED TO SYMPATHIZE WITH OUTSPOKEN GENERAL ON NEED TO BRING BROADER ISSUE INTO OPEN, AND PM FUKUDA ORDERED JDA AND OTHER CONCERNED AGENCIES TO "EXPEDITE" STUDY OF EXISTING LEGISLATION AS APPLIED TO EMERGENCY, WHICH MAY HAVE SERVED TO FOSTER EXPECTATION THAT BILL WOULD BE FORTHCOMING BY NEXT REGULAR DIET SESSION IN FEBRUARY.

4. APPARENTLY STILL MISTRUSTFUL OF PUBLIC MOOD AND AFRAID OF AGAIN BEING BURNED AS THEY WERE BY REACTION TO "THREE ARROWS" STUDY, JDA LEADERS HAVE BEEN SEEKING TO REGAIN SOME MEASURE OF CONTROL OVER ISSUE WHICH HAS CLEARLY SLIPPED FROM THEIR GRASP: KANEMARU AND OTHERS

IN EFFORT TO SLOW PACE OF DEBATE, HAVE REPEATEDLY STATED THAT BILL RESULTING FROM STUDY WOULD NOT BE READY FOR SUBMISSION TO DIET FOR AT LEAST TWO YEARS, AND CERTAINLY NOT BY NEXT REGULAR DIET SESSION. HOWEVER, SOCIAL DEMOCRATIC FEDERATION SEC GEN NARAZAKI DEMANDED AUG 24 THAT JDA PUBLISH ALL PREVIOUS STUDIES AS BACKGROUND FOR CURRENT DEBATE, WHILE FUKUDA AND KANEMARU DECIDED AUG. 30 THAT JDA SHOULD SEND INTERIM REPORT ON ITS CURRENT STUDY TO DIET. IRONY IS THAT JDA HAS BEEN DRAGGING ITS FEET ON STUDY ORDERED BY FORMER DIR GEN MIHARA ONE YEAR

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10

L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11

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FM AMEMBASSY TOKYO

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INFO AMEMBASSY SEOUL

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CINCPAC ALSO FOR POLAD

AGO. JDA FOREIGN AFFAIRS CHIEF, ON LOAN FROM MOFA, COMPLAINED TO EMBOFF THAT YEAR "WASTED" BY JDA WOULD SERIOUSLY HAMPER EFFORTS TO PRODUCE SUITABLY NONCONTROVERSIAL LANGUAGE, AND FORCE JDA TO DEFEND POSITIONS PREMATURELY.

5. IN FACT, PRESS SPECULATION AND REPORTS OF STATEMENTS BY VARIETY OF GOJ OFFICIALS HAVE ALREADY BEGUN TO SKETCH IN OUTLINES OF MOSTLIKELY DIRECTIONS OF JDA STUDY. ALTHOUGH DEBATE HAS BEEN CONFUSED, THERE IS FAIRLY WIDE AGREEMENT THAT LEGISLATIVE SHORTCOMINGS REQUIRING REVISION INCLUDE: LACK OF CABINET AUTHORITY TO EXEMPT SDF VEHICLES FROM ROAD TRAFFIC LAW DURING EMERGENCY;

STEPS TO CALL UP RESERVES; HANDLING OF POW'S; EFFECTS  
ON CIVIL AVIATION AND MARITIME SHIPPING; AND PREPARATIONS  
FOR ISSUING MOBILIZATION ORDER. LATTER POINT IS RELATED  
TO NEED FOR CONSOLIDATION OF COMMUNICATIONS NETWORKS AND  
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ESTABLISHMENT OF CENTRAL COMMAND HEADQUARTERS.

6. MUCH OF DEBATE HAS CENTERED AROUND KURISU'S ORIGINAL  
CONCERN WITH STATUS OF SDF ACTION PRIOR TO ORDERS FROM  
PRIME MINISTER. JDA HAS ENDEAVORED TO FIND SAFER GROUND  
ON THIS QUESTION, BUT HAS NOT ENTIRELY SUCCEEDED.  
ORIGINALLY, JDA HOPED TO PRODUCE STUDY OF SDF ACTIONS  
BASED ON PREMISE OF PRIOR RECEIPT OF ORDER TO MOBILIZE.  
IN REPLY TO QUESTIONS IN CABINET COMMITTEES OF BOTH  
HOUSES, KANEMARU AND OTHER JDA OFFICIALS FIRST CLAIMED  
THAT IN ABSENCE OF ORDERS, "WE SHOULD FLEE," BUT LATER  
STATED THAT RESISTANCE "AS INDIVIDUALS" WAS PERMITTED  
BY LEGITIMATE SELF-DEFENSE AND EMERGENCY EVACUATION  
CLAUSE OF CRIMINAL CODE. DEBATE WAS BRIEFLY DIVERTED  
INTO RATHER BIZARRE DISCUSSION OF EXERCISING LEGITIMATE  
SELF-DEFENSE COLLECTIVELY AND WHAT WOULD CONSTITUTE  
"OVER-DEFENSE," WHICH ONLY ENDED WHEN CHIEFS OF STAFF  
OF MSDF AND ASDF SUPPORTED BY OTHER UNIFORMED OFFICERS,  
PUBLICLY REPUDIATED JDA'S POSITION ON GROUNDS THAT CREWS  
OF SHIPS AND PLANES COULD NOT OPERATE AS INDIVIDUALS.  
SDF LEADERS, WHO FAVOR NEW LEGISLATION, RECEIVED BOOST  
WHEN CABINET LEGISLATION BUREAU DIRGEN HIDEO SANADA  
IMPLIED THAT STUDY OF NEW LEGISLATION SHOULD BE CON-  
SIDERED. APPARENTLY EMBOLDENED BY SANADA'S LEAD, JDA  
SECRETARIAT CHIEF, DEP VICEMIN KATSUMI TAKEOKA AUG. 30  
SPECULATED THAT ONE SOLUTION WOULD BE TO TRANSFER POWER  
TO AUTHORIZE SDF MOBILIZATION FROM PRIME MINISTER TO JDA  
DIRGEN; HE RETRACTED HIS COMMENT SAME DAY AFTER IT WAS  
ROUNDLY CRITICIZED BY NEWS MEDIA AND BY JDA VICE MIN  
MARUYAMA. KANEMARU STATED SEPT. 1 THAT JDA WOULD HAVE  
UNIFIED POSITION ON LEGAL BASIS FOR EMERGENCY ACTION BY  
OPENING OF EXTRAORDINARY DIET SESSION SEPT. 18.

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7. ONE OF BASIC ARGUMENTS OF OPPONENTS OF STUDY IS THAT  
IT COULD LEAD TO NEW LEGISLATION IN EFFECT REVIVING PRE-  
1945 STATE TOTAL MOBILIZATION LAW WITH DEPRIVATION OF  
CIVIL LIBERTIES. SHADOW OF PREWAR EMERGENCY LAWS HAS,  
IN FACT, HUNG OVER ENTIRE DEBATE ALTHOUGH IT HAS BEEN

RARELY MENTIONED. JDA OFFICIALS REALIZE THIS MAY BE MOST SENSITIVE ASPECT OF DEBATE AND HAVE TRIED TO DOWN-PLAY POSSIBILITY OF CURTAILMENT OF SPEECH AND PRESS FREEDOMS DURING EMERGENCY. NEVERTHELESS, THIS QUESTION WILL INEVITABLY SPRING UP PERIODICALLY, AND WILL HAVE TO BE HANDLED WITH EXTREME CARE.

8. POLITICAL PARTIES, OTHER THAN JSP AND JCP WHO HAVE BEEN PREDICTABLY ADAMANT IN THEIR OPPOSITION TO STUDY OF EMERGENCY LEGISLATION, HAVE FOUND THIS DIFFICULT ISSUE TO DEAL WITH. LDP ITSELF IS FAR FROM UNIFIED ON THIS ISSUE: IN PUBLIC STATEMENTS HEAVILY COLORED BY ADVANCE MANEUVERING FOR LDP PRESIDENTIAL ELECTION IN DECEMBER, LDP EXECUTIVE COUNCIL CHAIRMAN YASUHIRO NAKASONE PREDICTABLY SUPPORTED CHANGE IN DEFENSE LAWS (INCLUDING CONSTITUTIONAL REVISIONS) WHILE PARTY SECGEN (AND FUKUDA'S STRONGEST PUTATIVE RIVAL) MASAYOSHI OHIRA OPPOSED IT AS UNNECESSARY. HOWEVER, AFTER LDP EXECUTIVE COUNCIL MEETING WITH JDA OFFICIALS, PARTY DECIDED TO FULLY SUPPORT JDA STUDY AND TO CONSIDER LEGISLATIVE REVISION IF NECESSARY.

9. MODERATE OPPOSITION CLEAN GOVERNMENT PARTY (CGP) AND DEMOCRATIC SOCIALIST PARTY (DSP) APPARENTLY SENSING PUBLIC SYMPATHY ON IMMEDIATE ISSUE RAISED BY KURISU INITIALLY WENT OUT OF THEIR WAY TO DISPLAY FORTHCOMING ATTITUDE. AUG. 16 CGP STATEMENT, FURTHER ELABORATED UPON AUG. 29, RECOGNIZED THAT PRESENT DEFENSE LAWS NEEDED REVISION, PROVIDED SUCH LEGISLATION RESPECTED

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L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11  
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R 060515Z SEP 78  
FM AMEMBASSY TOKYO  
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INFO AMEMBASSY SEOUL  
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PRINCIPLE OF CIVILIAN CONTROL OF MILITARY, AND CALLED FOR ESTABLISHMENT OF SPECIAL DIET COMMITTEE ON NATIONAL SECURITY AS ONE MEANS OF SECURING CIVILIAN CONTROL. AS PUBLIC DEBATE PROCEEDED, HOWEVER, CGP LATER BACK-TRACKED ON THIS ISSUE, COMING OUT SEPT. 5 IN OPPOSITION TO STUDY OF EMERGENCY LEGISLATION ON GROUNDS THAT IT WOULD LEAD TO CONSTITUTIONAL REVISION AND INFRINGEMENT OF PUBLIC LIBERTIES. LEADERSHIP OF DSP, WHICH HAS IN RECENT YEARS BECOME STRONG PROPONENT OF IMPROVED SELF DEFENSE CAPABILITIES, TOOK UNPRECEDENTED STEP OF SOLICITING MEETING WITH UNIFORMED HEADS OF ALL THREE MILITARY SERVICES AT WHICH IT INDICATED WILLINGNESS TO CONSIDER EMERGENCY LEGISLATION. AS FIRST "OFFICIAL" ENCOUNTER BETWEEN ANY POLITICAL PARTY LEADERSHIP AND SERVICE CHIEFS, THIS MEETING ATTRACTED CONSIDERABLE MEDIA ATTENTION. HOWEVER, DSP ALSO LATER BACKED OFF SOMEWHAT, EMPHASIZING THAT ITS MAIN CONCERN WAS RESPONSE TO SURPRISE ATTACK  
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ISSUE RAISED BY KURISU.

10. TENOR OF PUBLIC DEBATE OVER EMERGENCY LEGISLATION ISSUE DEMONSTRATES HEIGHTENED JAPANESE CAPACITY TO DISCUSS PRACTICALITIES OF NATIONAL DEFENSE ISSUES WHICH, IN THIS CASE, BOIL DOWN TO NEED FOR LEGAL BASIS FOR OPERATIONS IN DEFENSE OF HOME ISLANDS--SOMETHING WHICH UNTIL KURISU INCIDENT MOST JAPANESE ASSUMED EXISTED ALL ALONG. FACT THAT CURRENT DEBATE HAS ONLY RARELY SPILLED OVER INTO MORE EMOTIONALLY CHARGED QUESTIONS IS PROBABLY INDICATION OF EMERGING POLITICAL MATURITY ON DEFENSE ISSUES. HOWEVER, THESE SIGNS OF DEVELOPING CAPACITY TO EXAMINE UNEMOTIONALLY PRACTICAL DEFENSE PROBLEMS SHOULD NOT BE INTERPRETED AS INDICATION THAT JAPANESE BODY POLITIC IS READY TO CONSIDER SDF OPERATIONS (JOINT OR OTHERWISE) BEYOND JAPAN'S OWN BORDERS OR ASSUMPTION OF REGIONAL SECURITY ROLE. DIVISION OF VIEWS WITHIN LDP AND AMBIGUITY OF POSITION TAKEN BY MODERATE OPPOSITION PARTIES DEMONSTRATE CONTINUED JAPANESE SENSITIVITY ON ALL DEFENSE ISSUES.

11. ISSUE'S RELATIONSHIP TO US PRESENCE IN JAPAN HAS THUS FAR ARISEN PUBLICLY ONLY IN COMMENT BY SDF IN MEETING WITH DSP TO EFFECT THAT ATTACK ON US BASES IN JAPAN WOULD BE REGARDED AS ATTACK ON JAPAN ITSELF, WHICH WAS

WIDELY REPORTED HERE AND PICKED UP BY TASS IN TYPICALLY  
ALARMIST ARTICLE. HOWEVER, WE CAN EXPECT US ROLE TO  
EVENTUALLY RECEIVE SOME ATTENTION AS DISCUSSION UNDER-  
GOES FURTHER TWISTS AND TURNS AND JSP AND JCP LOOK FOR  
HANDLE WITH WHICH TO ATTACK GOJ. NHK HAS ALREADY QUERIED  
EMBASSY ON US RULES OF ENGAGEMENT.

12. NAKASONE HAS DESCRIBED CURRENT DEBATE TO EMBOFF AS  
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PART OF SLOW PROCESS OF CONSENSUS-BUILDING WITH NEW  
LEGISLATION AT LEAST TWO YEARS OFF. WE AGREE THAT  
KURISU INCIDENT AND ENSUING DEBATE HAVE RAISED LEVEL OF  
DEFENSE DISCUSSION IN JAPAN AND MAY ULTIMATELY RESULT  
IN LEGISLATION ENHANCING SDF CAPACITY TO OPERATE IN  
EMERGENCY. HOWEVER, GOJ REMAINS EXTREMELY CAUTIOUS ON  
THIS AND ALL OTHER DEFENSE ISSUES AND WILL BE WARY OF  
PUSHING ISSUE SO HARD AS TO PROVOKE POTENTIALLY EMOTIONAL  
PUBLIC DEBATE WHICH COULD JEOPARDIZE EMERGING POPULAR  
SUPPORT FOR STRENGTHENED OVERALL DEFENSE CAPACITY.  
MANSFIELD

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## Message Attributes

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**Type:** TE  
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